

**Report to
Rapport au:**

**Council
Conseil**

28 June 2017 / 28 juin 2017

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**Submitted by
Soumis par:**

Council Coordinator / coordonnatrice du Conseil

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2017-CCS-OCC-0010

**SUBJECT: SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR
ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY
COUNCIL MEETING OF JUNE 14, 2017**

**OBJET: RÉSUMÉS DES OBSERVATIONS ORALES ET ÉCRITES DU PUBLIC
SUR LES QUESTIONS ASSUJETTIES AUX EXIGENCES D'EXPLICATION AUX
TERMES DE LA LOI 73 EXAMINÉS À LA RÉUNION DU CONSEIL 14 JUIN 2017**

REPORT RECOMMENDATION

That City Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of June 14, 2017 that are subject to the 'Explanation Requirements' of Bill 73, the *Smart Growth for Our Communities Act, 2015*, as described in this report and attached as Document 1.

RECOMMANDATION DU RAPPORT

Que le Conseil municipal approuve les résumés des observations orales et écrites du public sur les questions assujetties aux exigences d'explication aux termes de la loi 73, la *Loi de 2015 pour une croissance intelligente de nos collectivités*, qui ont été étudiées à la réunion du Conseil du 14 juin 2017, comme les décrit le présent rapport et qui sont joints à titre de document 1.

EXECUTIVE SUMMARY

This report was prepared pursuant to the process approved by City Council on November 9, 2016 to address Bill 73, the *Smart Growth for Our Communities Act, 2015*, which amended the *Planning Act* such that municipalities are required to explain the effect of public input on planning decisions.

At its meeting of June 14, 2017, City Council considered one planning application for which written and/or oral submissions were received after publication of the staff report:

1. Zoning By-law Amendment – 190 Richmond Road (ACS2017-PIE-PS-0075)

A 'Summary of Written and Oral Submissions' is attached as a supporting document to this report. Council considered all written and oral submissions received prior to Council consideration of this matter in making its decision on this matter.

SOMMAIRE

Le présent rapport a été préparé conformément au processus approuvé par le Conseil municipal le 9 novembre 2016 en vue de répondre aux exigences de la loi 73, la *Loi de 2015 pour une croissance intelligente de nos collectivités*, modifiant la Loi sur l'aménagement du territoire de telle sorte que les municipalités doivent expliquer les répercussions des commentaires du public sur les décisions d'urbanisme.

Lors de sa réunion du 14 juin 2017, le Conseil municipal a examiné une demande d'aménagement pour laquelle il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Modification au Règlement de zonage – 190, chemin Richmond (ACS2017-PIE-PS-0075)

Un « Résumé des observations orales et écrites » pour cette demande est soumis en pièce jointe. Le Conseil a pris connaissance de toutes les observations orales et écrites reçues avant son examen afin d'éclairer son décision.

BACKGROUND

Effective July 1, 2016, provisions of Bill 73, the *Smart Growth for Our Communities Act, 2015*, took effect to amend certain Subsections of the *Planning Act* such that municipalities are required explain the effect of public input on planning decisions. Generally, the legislation requires City Council to ensure that a written Notice of its decision is given in the prescribed manner, and that this Notice contain a “brief explanation of the effect, if any, that the written and oral submissions ... had on [Council’s] decision.” Oral submissions include the public delegations that appear at Committee, and written submissions include any that were provided formally to Council between the date a report is published in the Committee agenda and the date of Council’s decision.

The legislation applies to the following Subsections of the *Planning Act*:

Subsections	Related Matters
17(23)-(23.2), 17(35)-(35.2)	Official Plan
22(6.6)-(6.8)	Official Plan
34(10.9)-(10.11), 34(18)-(18.2)	<i>Zoning By-laws</i>
45(8)-(8.2)	Committee of Adjustment
51(37)-(38.2)	Plan of Subdivision
53(17)-(18.2)	Consents

In anticipation of the legislation coming into effect, City Council, at its meeting on 22 June 2016, passed Motion No. 34/7 to adopt an interim practice to ensure the City’s compliance with these particular new Bill 73 requirements, with the intent of adopting a new process as part of the Mid-term Governance Review later that year.

On November 9, 2016, City Council considered the report titled, “2014-2018 Mid-term Governance Review” (ACS2016-CCS-GEN-0024), and approved the following revised process to ensure the City’s compliance with these particular new Bill 73 requirements:

1. Staff reports to Planning Committee and Agriculture and Rural Affairs Committee with respect to affected planning matters include the following recommendation:

That Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [Date of Council meeting at which the item is considered]," subject to submissions received between the publication of this report and the time of Council's decision";

2. Following Council's decision with respect to the matter, Clerk's staff, in consultation with the relevant Committee Chair and Legal shall prepare the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [Date of Council meeting at which the item is considered]." This report would include information with respect to all items considered at the Council meeting that were subject to the relevant Bill 73 provisions. For each item included in the report, a 'Summary of Written and Oral Submissions' would be attached as a supporting document. Each 'Summary of Written and Oral Submissions' would incorporate the information above and other submissions that were received in advance of Council's decision;
3. The above-noted report would be placed on the Bulk Consent Agenda for the next City Council meeting. As there is a requirement that Notice of decision be circulated within 15 days after a Council decision, and given that the Notice would typically be circulated before the next Council meeting, the Notice would be circulated indicating that the 'Summary of Written and Oral Submissions' for the matter was subject to Council approval.

This report was prepared pursuant to the process approved by City Council on November 9, 2016, and includes information with respect to all items considered at the Council meeting of November 23, 2016, that were subject to the relevant Bill 73 provisions. A 'Summary of Written and Oral Submissions' is attached as a supporting document for each item.

As noted above, there is a requirement that Notice of Decision be circulated within 15 days after a Council decision. Given that the Notice is typically circulated before the next Council meeting, the Notice is circulated indicating that the 'Summary of Written and Oral Submissions' for the matter is subject to Council approval.

DISCUSSION

City Council, at its meeting of May 10, 2017, considered one item that is that are subject to the Bill 73 'Explanation Requirements' described above. This item is as follows:

Planning Committee Report 45

- Zoning By-law Amendment – 190 Richmond Road (ACS2017-PIE-PS-0075)

RURAL IMPLICATIONS

There are no rural implications associated with the report recommendation.

CONSULTATION

The consultation undertaken with respect to the above-noted planning application is contained within the original staff report considered by Committee and Council.

COMMENTS BY THE WARD COUNCILLORS

The Ward Councillor's comments were contained in the original report considered by Committee and Council.

ADVISORY COMMITTEE(S) COMMENTS

This section is not applicable to this report.

LEGAL IMPLICATIONS

The legal implications with respect to the planning application described in this report is contained in the original report considered by Committee and Council.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the report recommendation.

FINANCIAL IMPLICATIONS

The financial implications with respect to the planning application described in this report are contained in the original report considered by Committee and Council

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with the report recommendation.

TERM OF COUNCIL PRIORITIES

This report addresses the Governance, Planning and Decision-making Term of Council Priority.

SUPPORTING DOCUMENTATION

Document 1 – Summary of Written and Oral Submissions –Zoning By-law Amendment – 190 Richmond Road (ACS2017-PIE-PS-0075)

DISPOSITION

This report will be placed on the Bulk Consent Agenda portion of the City Council Agenda for Council’s consideration and approval at its meeting of June 28, 2017.

Summary of Written and Oral Submissions

ZONING BY-LAW AMENDMENT – 190 RICHMOND ROAD (ACS2017-PIE-PS-0075)

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

- **Number of delegations at Planning Committee: 3**
- **Number of Submissions received between 16 May and 14 June 2017: 2**
- **Primary arguments in support:**
 - The applicant was present to answer questions about the planning merits of the application. The applicant said they are looking to build a rental community that integrates with community services and amenities.
- **Primary concerns and arguments in opposition:**
 - The proposed development does not conform to the Richmond Road/Westboro Community Design Plan and the Richmond Road/Westboro Secondary Plan and would require the site's zoning to be amended to Traditional Mainstreet in order to accommodate a building height exceeding that currently allowed in the proposed residential zone.
 - The community is worried that the developer may choose to build a condominium complex, rather than the now proposed rental apartment building, and would prefer that the applicant's previous commitment to the community be upheld.
 - The concept of the application has changed from seniors' housing to rental housing; there is a concern that it will become market housing. The seniors' housing concept was the reason the community entertained the idea of a higher density development. While the zoning does allow for all concepts, the community is more supportive of senior and rental housings.
 - If the rezoning is approved, it disregards the area's Community Design Plan and the secondary plan, the result is ad hoc planning and less confidence in planning documents and the planning process. An increase in successful rezoning applications supports the argument that the secondary plan needs to be rewritten.

- Redevelopment increases neighbourhood density, which necessitates upgrades to infrastructure to increase capacity and support intensification. The level of intensification does not align with the vision expressed in the community's planning documents.
- The proposed rezoning is inappropriate and benefits the developer, not the community.
- Rezoning this area to Traditional Mainstreet could set a precedent for future development along Byron Avenue, which is currently a residential and parkland street and does not align with the definition of a Traditional Mainstreet. Any further high-rise development that could come as a result would change the character of the street.

Effect of Submissions on Committee Decision:

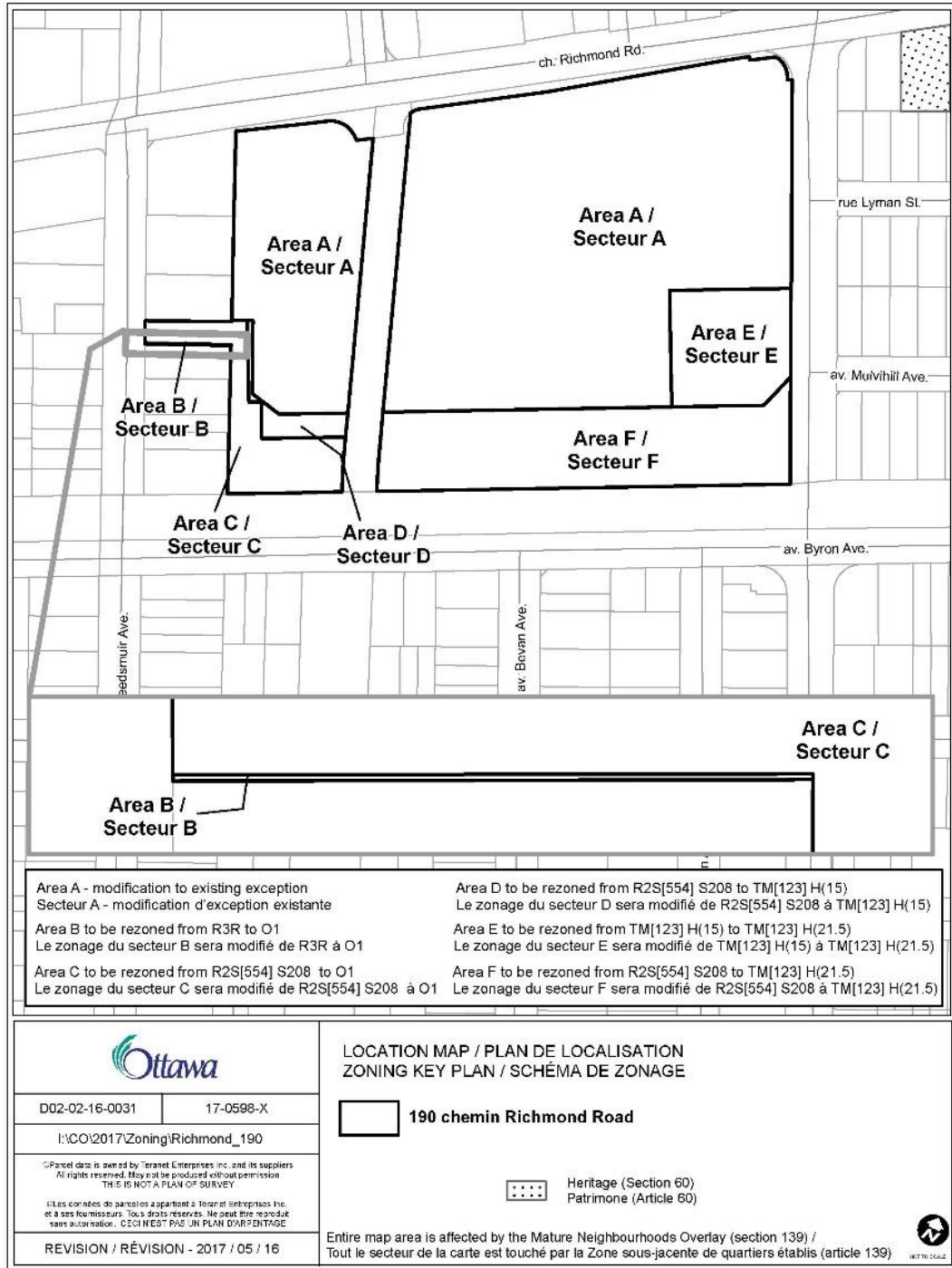
Debate: The Committee spent 23 minutes on this item

Vote: Committee approved a technical amendment to replace Document 1, Location Map, with a corrected version and CARRIED the remainder of report recommendations as presented.

Effect of Submissions on Council Decision: Council considered all written and oral submissions in making its decision, and CARRIED this item as amended by the Planning Committee, as follows:

That Council approve:

- a. **an amendment to Zoning By-law 2008-250 for 190 Richmond Road to permit a six-storey apartment building, and an area dedicated for parkland, as detailed in Document 2;**
- b. **that Document 1- Location Map, of Report ACS2017-PIE-PS-0075 be replaced with the following revised Location Map, which reflects a height limit of 21.5 metres:**



- c. that the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed; and
- d. that there be no further notice pursuant to Subsection 34 (17) of the *Planning Act*.